

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

MARYE WAHL

Plaintiff,

v.

GENERAL ELECTRIC COMPANY, et al.

Defendants.

Case No. 3:13-cv-0329

Judge Aleta Trauger

Magistrate Judge Knowles

**DEFENDANTS GENERAL ELECTRIC COMPANY’S, GE HEALTHCARE
INC.’S AND GE HEALTHCARE AS’ OBJECTION TO PLAINTIFF’S NOTICE TO THE
COURT**

Defendants GENERAL ELECTRIC COMPANY, GE HEALTHCARE INC. (incorrectly sued as GE Healthcare, Inc.), and GE HEALTHCARE AS (collectively the “GE Defendants”), by and through counsel, respectfully object to, and move to strike, Plaintiff’s Notice to the Court, filed on November 7, 2013 (Doc. 66). For support, the GE Defendants would show as follows:

1. Immediately following the October 18, 2013 oral argument on the GE Defendants’ Motion for Summary Judgment, the parties, at the Court’s instruction, opened a dialogue regarding settlement. The GE Defendants have taken care to appropriately evaluate this case in light of all of the circumstances and the governing law, and at this time, disagree with Plaintiff regarding the valuation of this case.

2. However, more pertinent to the present matter, this Court’s suggestion at oral argument that the parties discuss settlement does not give Plaintiff license to inform the Court of the current posture of the parties’ settlement negotiations. Although there are times when the parties are obligated to communicate the status or prospect of settlement to the Court, during the pendency of the GE Defendants’ Motion for Summary Judgment is not one of them. For

Plaintiff to communicate the GE Defendants' settlement position to this Court is wholly improper, and potentially prejudices the GE Defendants in the eyes of this Court. Indeed, there is no purpose for the filing of Plaintiff's Notice other than to prejudice the GE Defendants.

3. Unless otherwise ordered by the Court or the Federal Rules of Civil Procedure, unilateral, unwarranted, and immaterial communications informing the Court of settlement negotiations between the parties are improper. They should not be considered by this Court and they should not remain in the record.

WHEREFORE, the GE Defendants respectfully object to Plaintiff's Notice to the Court, request that this Court strike the same, and rule on the GE Defendants' Motion for Summary Judgment (Doc. 35), which is now ripe for decision.

Respectfully submitted this 8th day of November, 2013.

By: /s/ Dwight E. Tarwater
Dwight E. Tarwater (BPR # 007244)
det@painetar.com
Matthew J. Evans (BPR #017973)
mje@painetar.com
Paine, Tarwater and Bickers
900 S. Gay Street, Suite 2200
Knoxville, Tennessee 37902
T: (865) 525-0880
F: (865) 521-7441

Of Counsel:

Heidi Levine
heidi.levine@dlapiper.com
Leeanne Neri
leeanne.neri@dlapiper.com
DLA Piper LLP (US)
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 335-4500
Fax: (212) 335-4501

*Attorneys for Defendants
General Electric Company*

*GE Healthcare, GE Healthcare Inc.,
and GE Healthcare AS*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 8, 2013, he caused the foregoing to be electronically filed with the clerk of the United States District for the Middle District of Tennessee by filing through the CM/ECF system, which served a copy of the foregoing upon the following counsel of record:

R. Christopher Gilreath
Gilreath & Associates
200 Jefferson Avenue, Suite 711
Memphis, TN 38103
(901) 527-0511
chrisgil@sidgilreath.com

Eric M. Terry
TorHoerman Law LLC
234 S. Wabash – 7th floor
Chicago, IL 60604
(312) 372-4800
eterry@torhoermanlaw.com

Tor A. Hoerman
TorHoerman Law LLC
234 S. Wabash – 7th floor
Chicago, IL 60604
(312) 372-4800
thoerman@torhoermanlaw.com

/s/ Dwight E. Tarwater